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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,205	07/24/2003	Puthukode G. Ramachandran	AUS920030501US1	9668
35525	7590	11/23/2007		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER PHAM, CHRYSTINE	
			ART UNIT 2192	PAPER NUMBER
			MAIL DATE 11/23/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/626,205

Applicant(s)

RAMACHANDRAN ET AL.

Examiner

Chrystine Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 31, 2007 has been entered.
2. This action is responsive to Amendment filed on August 31, 2007. Claims 1, 3, 8, 13 and 18 have been amended. Claims 1-19 are presented for examination.

Information Disclosure Statement

3. Contrary to Applicants' remark that "an English translation of the abstract of reference JP 10260820A is included with the present response" (Remarks, page 7, section II), no such English translation has been included in the present response. Thus, reference JP 10260820A remains unconsidered.

Response to Arguments

4. Applicant's arguments with respect to new claim limitations "to determine whether the new software module is known to function compatibly with existing set of software modules to form compatibility information", recited in at least claim 1, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6, 8-11, 13-16 and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kroening et al. (US 6,735,757 B1, "Kroening").

Claim 1

Kroening teaches a method for testing the compatibility of software modules (see at least *checking component compatibility, list of components, version/revision number, compatibility property* col.2:24-36), the method comprising the computer-implemented steps of:

- responsive to receiving a request to install a new software module in a data processing system (see at least 405 FIG.4 & associated text), performing an inventory (see at least 120, 130 FIG.1 & associated text) on an existing set of software modules resident in the data processing system (see at least 425, 430 FIG.4 & associated text; 210, 230, 240 FIG.2 & associated text; *component 210, component table, database, identification property 220, compatibility property 240, version/revision property 250* col.3:13-38);

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- referring to a knowledge base of software modules to determine whether the new software module is known to function compatibly with the existing set of software modules to form compatibility information (see at least *conflicts, component, no compatibility issues, installed 450 col.4:18-37*); and
- providing the compatibility information, wherein the compatibility information is used to determine whether to install the new software module (see at least *conflicts, component, no compatibility issues, installed 450 col.4:18-37; 435, 450 FIG.4 & associated text*).

Claim 2

The rejection of base claim 1 is incorporated. Kroening further teaches responsive to a first selected user input, testing the new software module in a test data processing system in combination with the existing set of software modules (see at least *testing, new version or revision, known compatibility issues, earlier revisions col.3:64-col.4:6*); and responsive to a second selected user input, installing the new software module in the data processing system (see at least *testing, new version or revision, known compatibility issues, earlier revisions, installation col.3:64-col.4:6*).

Claim 3

Kroening further teaches a method for testing the compatibility of software modules (see at least *checking component compatibility, list of components, version/revision number,*

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compatibility property col.2:24-36), the method comprising the computer-implemented steps of:

- responsive to receiving a request to install a new software module in a data processing system (see at least 405 FIG.4 & associated text), performing an inventory (see at least 120, 130 FIG.1 & associated text) on an existing set of software modules resident in the data processing system (see at least 425, 430 FIG.4 & associated text; 210, 230, 240 FIG.2 & associated text; *component 210, component table, database, identification property 220, compatibility property 240, version/revision property 250* col.3:13-38);
- referring to a knowledge base of software modules to determine whether the new software module is known to function compatibly with the existing set of software modules to form compatibility information (see at least *conflicts, component, no compatibility issues, installed 450* col.4:18-37); and
- responsive to a negative determination, testing the new software module in a test data processing system in combination with the existing set of software modules (see at least *testing, new version or revision, known compatibility issues, earlier revisions* col.3:64-col.4:6).

Claim 4

The rejection of base claim 3 is incorporated. Kroening further teaches responsive to a determination that the new software module is compatible with the existing software modules, adding a new combination to the knowledge base (see at least 220, 240, 250

FIG.2 & associated text; col.3:58-col.4:6); and installing the new software module in the data processing system (see at least 450 FIG.4 & associated text).

Claim 5

The rejection of base claim 3 is incorporated. Kroening further teaches

- responsive to a determination that the new software module is not compatible with the existing modules, searching the knowledge base to find a closest match, wherein at least one of the existing modules is removed or replaced with a different version (see at least 440, 450 FIG.4 & associated text);
- prompting for the user as to availability of the closest match combination (see at least 440, 445 FIG.4 & associated text); and
- responsive to a user input, installing the new software module and changing the existing modules as needed to obtain a compatible combination (see at least 445, 450 FIG.4 & associated text).

Claim 6

Kroening teaches a method in a data processing system for monitoring software combinations, the method comprising: identifying a software module (see at least 440 FIG.4 & associated text); determining whether information is present for the software module (see at least 445 FIG.4 & associated text); if information is absent for the software module, installing the software module to form an installed software module (see at least 450 FIG.4 & associated text); and testing the installed software module

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(see at least *testing, new version or revision, known compatibility issues, earlier revisions* col.3:64-col.4:6);

Claim 8

Claim recites limitations, which have been addressed in claims 1 and 3, therefore, is rejected for the same reasons as cited in claims 1 and 3.

Claim 9

Claim recites limitations, which have been addressed in claim 4, therefore, is rejected for the same reasons as cited in claim 4.

Claim 10

Claim recites limitations, which have been addressed in claim 5, therefore, is rejected for the same reasons as cited in claim 5.

Claim 11

Claim recites limitations, which have been addressed in claim 6, therefore, is rejected for the same reasons as cited in claim 6.

Claim 13

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Kroening teaches a computer program product in a computer readable medium for performing the method addressed in claim 3, therefore, is rejected for the same reasons as cited in claim 3.

Claim 14

Claim recites limitations, which have been addressed in claim 4, therefore, is rejected for the same reasons as cited in claim 4.

Claim 15

Claim recites limitations, which have been addressed in claim 5, therefore, is rejected for the same reasons as cited in claim 5.

Claim 16

Claim recites limitations, which have been addressed in claim 6, therefore, is rejected for the same reasons as cited in claim 6.

Claim 14

Claim recites limitations, which have been addressed in claim 4, therefore, is rejected for the same reasons as cited in claim 4.

Claim 15

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Claim recites limitations, which have been addressed in claim 5, therefore, is rejected for the same reasons as cited in claim 5.

Claim 16

Claim recites limitations, which have been addressed in claim 6, therefore, is rejected for the same reasons as cited in claim 6.

Claim 18

Claim recites limitations, which have been addressed in claims 1 and 3, therefore, is rejected for the same reasons as cited in claims 1 and 3.

Claim 19

Claim recites limitations, which have been addressed in claim 6, therefore, is rejected for the same reasons as cited in claim 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kroening in view of Lau (US 2004/0128651 A1).

Claim 7

The rejection of base claim 6 is incorporated. Kroening further teaches wherein the installing step comprises:

- identifying an environment of a client in which the software module is to be installed (see at least 405 FIG.4 & associated text);

Kroening does not expressly disclose:

- recreating the environment on a test data processing system; and
- installing the software module on the test data processing system to form the installed software module.

However, Lau discloses a method and system for software interoperability testing (see at least 118, 146 FIG.1 & associated text; *interoperability tests, new software tool, existing system software* paragraph [0010]) comprising:

- identifying an environment of a client (see at least 140 FIG.1 & associated text) in which the software module is to be installed (see at least 230 FIG.2 & associated text)
- recreating the environment on a test data processing system (see at least 116, 110 FIG.1 & associated text); and
- installing the software module on the test data processing system to form the installed software module (see at least paragraphs [0015]; [0023]; [0027]; [0028]).

Kroening and Lau are analogous art because they are both directed to software interoperability testing. It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of Lau into that of Kroening for the inclusion of recreating the environment on a test data processing system; and installing the software module on the test data processing system to form the installed software module. And the motivation for doing so would have been to enable remote testing of software interoperability for multiple networked computer systems prior to performing software migration (see at least Lau paragraphs [0006]-[0009]; [0016]).

Claims 12 and 17

Claims recite limitations, which have been addressed in claim 7, therefore, are rejected for the same reasons as cited in claim 7.

Conclusion

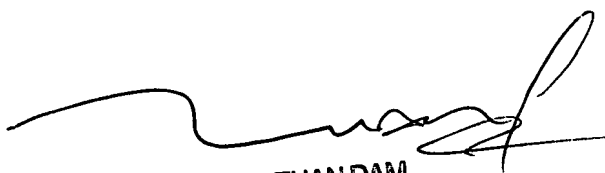
7.. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chrystine Pham whose telephone number is 571-272-3702. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TUAN DAM
SUPERVISORY PATENT EXAMINER